

104TH CONGRESS  
1ST SESSION

# H. R. 946

To amend the Fair Labor Standards Act of 1938 relating to the minimum wage and overtime exemption for employees subject to certain leave policies.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 1995

Mr. ANDREWS of New Jersey (for himself and Mr. PETRI) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

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## A BILL

To amend the Fair Labor Standards Act of 1938 relating to the minimum wage and overtime exemption for employees subject to certain leave policies.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Workplace Leave  
5       Fairness Act”.

6       **SEC. 2. EMPLOYEES SUBJECT TO CERTAIN LEAVE POLI-**  
7       **CIES.**

8       Section 13(a)(1) (29 U.S.C. 213(a)(1)) is amended  
9       by adding before the semicolon at the end the following:

1 “and an employee shall not be disqualified for an exemp-  
2 tion under this paragraph on the basis that such employee  
3 is subject to reductions—

4 “(A) in accrued leave of any type, or

5 “(B) in pay because of an absence of the  
6 employee and because—

7 “(i) such employee’s accrued leave was ex-  
8 hausted, or

9 “(ii) such employee chose to be absent  
10 without charging the employee’s accrued leave  
11 regardless of the length of the leave or absence for which  
12 such reductions are to be made”.

13 **SEC. 3. EFFECTIVE DATE.**

14 The amendment made by section 2 shall apply to an  
15 employee (described in the amendment) before, on, and  
16 after the date of enactment of this Act unless—

17 (1) an action was brought in a court involving  
18 the application of section 13(a)(1) of the Fair Labor  
19 Standards Act of 1938 (29 U.S.C. 213(a)(1)) to the  
20 employee; and

21 (2) a final judgment has been entered in the ac-  
22 tion on or before the date of enactment of this Act.

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